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WAR FOOD ADMINISTRATION

[Regulation 2, Amdt. 1]

PART 1598—GENERAL REGULATIONS

CONTRACT SCHOOLS PERMITTED TO BUY SET ASIDE AND RESTRICTED FOOD

Food Distribution Regulation No. 2, (8 F.R. 7523) issued by the War Food Administrator on June 4, 1943, is hereby completely revised and amended to read as follows:

§ 1598.1 *Purchase of set aside and restricted food by contract schools.*—(a) *Definitions.* For the purposes of this regulation:

(1) "Contract school" means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the Armed Services of the United States fed under the command of a commissioned or noncommissioned officer or other authorized representative of the Armed Services of the United States, and who is specifically authorized by the Armed Service concerned to purchase set aside and restricted food pursuant to this regulation.

(2) "Armed Services of the United States" means the Army, Navy, Marine Corps, and Coast Guard of the United States.

(3) "Set aside food" means that portion of any of the foods listed in Schedule A hereto held by any person pursuant to any food order.

(4) "Restricted food" means that portion of any food listed in Schedule B hereto which the person restricted by a food order may sell without such sales being charged against his quota under the food order.

(5) "Person" means any individual, partnership, corporation, association, business trust, or any organized group of persons, whether incorporated or not, and includes the States and any subdivisions thereof.

(6) "Director" means the Director of Food Distribution, War Food Administration.

(b) *Purchases of set aside and restricted food by contract schools.* Notwithstanding the provisions of any food order or regulation now or hereafter issued, unless specifically prohibited therein, any contract school may purchase any set aside or restricted food from any person, and any person may sell or deliver set aside or restricted food to any contract school, and such sales or deliveries may be considered by the sellers in the same manner as sales to the Armed Services of the United States:

Provided, That all such purchases by such contract school shall be made by written order or contract containing the following certificates signed by an authorized representative of the contract school and by an officer of the Armed Services of the United States:

The undersigned certifies and represents to the War Food Administration that he is the _____ of _____ (Position held) (Name of university, etc.) which is feeding _____ (Army, Navy, Marine Corps or Coast Guard) personnel pursuant to contract No. _____ with _____ and _____ (Contracting Government Agency) that all of the items and quantities of food listed hereon are required for and will be used in feeding such personnel.

(Title)
I certify that _____ is _____ (Name of university, school, etc.) feeding _____ personnel (Army, Navy, Marine Corps, or Coast Guard) pursuant to contract No. _____ with _____ and that the (Contracting Government Agency) above individual has represented to me that all of the food items and quantities listed hereon are required for and will be used in feeding such personnel.

(Officer's Title)

All set aside and restricted food purchased by contract schools shall be used by such schools only for feeding personnel of the Armed Services of the United States.

(c) *Purchases from intermediate distributors.* A contract school may purchase set aside and restricted food directly from the person required to set aside food or restricted by any food order, or may purchase such foods indirectly through jobbers, wholesalers, or other intermediate distributors. Where such purchases are made indirectly, the intermediate distributor shall make copies of the certificates provided in paragraph (b) hereof, certified by him to be correct. Any person may sell to any intermediate distributor the quantities of set aside food or restricted food covered by such certified copy furnished to him and may treat such sales in the same manner as sales made directly to contract schools.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this regulation.

(2) Every person receiving contracts or purchase orders containing certi-

ates as provided in this regulation and every other person subject to this regulation shall maintain an accurate record for two years (or for such other period of time as the Director may designate) of his transactions involving set aside and restricted foods for contract schools.

(3) The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Audits and Inspections.* The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, or stocks of food of any person participating in any transaction involving the purchase of set aside or restricted foods by contract schools and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this regulation.

(f) *Petition for relief from hardship.* Any person affected by this regulation who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may apply, in writing, for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(g) *Violations.* The Director may by suspension order prohibit any person who violates any provisions of this regulation from receiving, making deliveries of, or using any material subject to priority of allocation control by the War Food Administrator and may recommend that any such person be prohibited from receiving or using material subject to the priority or allocation control of other government agencies. In addition, any person who wilfully violates any provision of this regulation is guilty of a crime and may be prosecuted under any or all applicable laws. Civil action may also be instituted to enforce any liability or duty created by or to enjoin any violation of any provision of this regulation.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this regulation shall, unless otherwise directed, be addressed to: Director of Food Distribution, War Food Administration, Washington, 25, D. C., Ref.: FDR-2.

(i) *Territorial extent.* This regulation applies to all persons in the forty-eight States, the District of Columbia, and the territories and the possessions of the United States.

(j) *Delegation of authority.* The administration of this regulation and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this regulation, are hereby delegated to the Director. The Director is authorized to amend the schedules to this regulation. The Director is authorized to redelegate to any person within the United States Department of Agriculture any or all of the authority vested in him by this regulation.

(k) *Reference to ship operators.* This regulation no longer applies to the acquisition of set aside and restricted food by ship operators. The acquisition of these foods for this purpose is controlled

by Food Distribution Regulation No. 3 (*supra*) Reference should be made to that regulation for all definitions and provisions regarding the supplying food to ship operators.

(l) *Effective date.* This amendment shall be effective on November 15, 1943. With respect to violations of said regulation, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Regulation No. 2 shall be deemed to be in full force and effect for the purposes of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 8th day of October 1943.

MARVIN JONES,
War Food Administrator.

SCHEDULE A

Set aside foods:	Applicable Food Distribution Order
American cheese	15
Beef	75-2
Butter	2
Dried skim milk	54
Rice	10
Turkeys	71

SCHEDULE B

Restricted foods:	
Cocoa products	25
Fats and oils products	42
Frozen dairy foods	8
Honey	47
Meats (Pork, beef, veal, lamb)	75-1
Molasses	51
Peanuts	78
Spices	19
Tea	18

Press Release, Immediate:
Saturday, October 9, 1943.

The War Food Administration today announced a licensing program for suppliers who sell "set-aside", "restricted" or "designated" foods to ships operating under direction of the War Shipping Administration and vessels of allied or neutral countries named by that agency.

The program is effective November 15, 1943, and after that date all such food suppliers will be required to have operating licenses issued by the Director of Food Distribution. Licenses will be issued only to those who were engaged regularly during the last 6 months of 1942 in supplying foodstuffs to ship operators.

The licensing program, provided in Food Distribution Regulation No. 3, will supersede provisions applying to ship suppliers in Food Distribution Regulation No. 2. FDR 2 authorized a certificate plan by which suppliers could obtain replacements for the quantity of set aside

and restricted foods sold to contract schools and ships. Food Distribution Regulation 2 has been amended to exclude all provisions affecting ship suppliers, but retains the certificate plan for schools under contract for training military personnel.

When a supplier is licensed, he will be required to report how much of foods classified in FDR 3 he has on hand. He also will be given an inventory quota based on the total of these foodstuffs he sold to ship operators during any two calendar months in the year beginning July 1, 1942. In making purchases, the supplier will not be permitted to buy quantities that would build his inventory beyond his allowable quota.

The new regulation will give WFA more effective control over food supplies for ships, officials said, and will enable ship suppliers to maintain adequate inventories for servicing ships. It also will reduce the possibility that foodstuffs for ships will be obtained from supplies allocated to civilians.

Foods classified in FDR 3 as "set-aside" foods are American cheese, beef, butter, dried beans and peas, dried whole eggs, dried skim milk, shell eggs, rice and turkeys. In the "restricted" group are frozen eggs, frozen dairy foods, fats and oils, honey, imported salted fish, meats, molasses, peanuts and peanut butter, pet foods, spices and tea. Foods especially designated are canned fish and shellfish, canned fruits, vegetables and juices, concentrated citrus juices, dehydrated vegetables and dried fruits.

Licenses must be obtained for every outlet supplying food to ships, regardless of common ownership. Applications must be submitted on Form FDR-3-1 to the Director of Food Control, War Shipping Administration, Washington, D. C. When approved by WSA, they will be forwarded to the Director of Food Distribution, War Food Administration, for issuance of the license. Application forms may be obtained from regional offices of Food Distribution Administration or regional offices of War Shipping Administration.

